**United States Environmental Protection Agency**
**Region 2**
**Caribbean Environmental Protection Division**
**City View Plaza II–Suite 7000, #48 Rd. 165 km 1.2**
**Guaynabo, Puerto Rico 00968-8069**

# FACT SHEET

## DRAFT NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
## Barceloneta RWWTP
## PERMIT No. PR0021237

This Fact Sheet sets forth the principle facts and technical rationale that serve as the legal basis for the requirements of the accompanying draft permit. The draft permit has been prepared in accordance with Clean Water Act (CWA) section 402 and its implementing regulations at Title 40 of the *Code of Federal Regulations* (CFR), Parts 122 through 124, and the Water Quality Certificate (WQC) issued by the Department of Natural and Environmental Resources (DNER) pursuant to CWA section 401 requirements.

Pursuant to 40 CFR 124.53, the Commonwealth of Puerto Rico must either grant a certification pursuant to CWA section 401 or waive this certification before the U.S. Environmental Protection Agency (EPA) may issue a final permit. On **October 17, 2019,** DNER provided in the WQC that the allowed discharge will not cause violations to the applicable water quality standards at the receiving water body if the limitations and monitoring requirements in the WQC are met. In accordance with CWA section 401, EPA has incorporated the conditions of the WQC into the draft permit. The WQC conditions are discussed in this Fact Sheet and are no less stringent than allowed by federal requirements. Additional requirements might apply to comply with other sections of the CWA. Review and appeals of limitations and conditions attributable to the WQC were made through the applicable procedures of the Commonwealth of Puerto Rico and not through EPA procedures.

## PART I. BACKGROUND

### A. Permittee and Facility Description

The Puerto Rico Aqueduct and Sewer Authority (PRASA) (referred to throughout as the Permittee) has applied for renewal **on its Barceloneta RWWTP** National Pollutant Discharge Elimination System (NPDES) permit. The Permittee is discharging pursuant to NPDES Permit No**. PR0021237.** The Permittee submitted Application Form 1, and 2A dated **August 31, 2017** and applied for an NPDES permit to discharge treated wastewater from Barceloneta RWWTP, Barceloneta, called the facility. The facility is classified as a **major** discharger by EPA in accordance with the EPA rating criteria.

The Permittee **owns and** operates **wastewater treatment plant which provides secondary treatment**. Attachment A of this Fact Sheet provides a map of the area around the facility and a flow schematic of the facility.

The treatment system consists of the following:

**The Barceloneta RWWTP is a publicly owned treatment work (POTW) that treats sanitary and industrial wastewaters for the municipality of Barceloneta, Manatí, Florida, and a section of Arecibo (Garrochales). It provides secondary treatment and discharges its effluent to open coastal waters of the Atlantic Ocean.**

Wastewaters are processed through the following units:

- Screening and grit removal
- Sedimentation and biological treatment with aeration
- Secondary clarification and aerobic digestion of biosolids
- Effluent Discharge through the ocean outfall

Sludge is thickened, dewatered and hauled to the Arecibo Compost Facility.

**Summary of Permittee and Facility Information**

| | |
|---|---|
| **Permittee** | Puerto Rico Aqueduct and Sewer Authority (PRASA) |
| **Facility contact, title, phone** | Mrs. Irma Lopez, Executive Director<br>Compliance and Quality Control<br>(787) 620-2270 |
| **Permittee (mailing) address** | Puerto Rico Aqueduct and Sewer Authority<br>P.O. Box 7066<br>Barrio Obrero Station<br>Santurce, Puerto Rico 00916-7066 |
| **Facility (location) address** | State Road 684 Km 3.8, Palmas Altas Ward<br>Barceloneta, Puerto Rico 00617 |
| **Type of facility** | Publicly-owned Treatment Works |
| **Pretreatment program** | Yes |
| **Facility monthly average flow** | 10.1 MGD (in million gallons per day) |
| **Facility design flow** | 8.33 MGD (in million gallons per day) |
| **Facility classification** | Major |

**B. Discharge Points and Receiving Water Information**

Wastewater is discharged from Outfall 001 to the Atlantic Ocean**,** a water of the United States.

The draft permit authorizes the discharge from the following discharge point(s):

| Outfall | Effluent description | Outfall latitude | Outfall longitude | Receiving water name and classification |
|---|---|---|---|---|
| 001 | Secondary treatment wastewater. | 18°, 29', 49" N | 66°, 32', 59" W | Atlantic Ocean, Class SC waters |

As indicated in the Puerto Rico Water Quality Standards Regulations (PRWQSR), the designated uses for Class SC receiving waters include:

- Primary and secondary recreation; and
- Propagation and preservation of desirable species, including threatened and endangered species.

**D. Interim Mixing Zone/Dilution Allowance**

As part of its CWA section 401 certification of the modified permit application, the DNER has defined and authorized an Interim Mixing Zone (IMZ) pursuant to Rule 1305 of the PRWQSR. As set in WQC, the permittee shall implement a one-year monitoring program to obtain the necessary data to validate the IMZ. The monitoring program shall consist of the sampling of the parameters included in Part “e” of this special condition to verify compliance with the applicable provisions of the PRWQSR and a dye study to validate the mathematical model used to determine the critical initial dilution and verify the behavior of the plume within the mixing zone.

The diffuser configuration is a ninety (90) degrees “Y” shaped structure with two legs of 100 meters (328 feet) long and a diameter of 0.91 meters (36-inch), each one. Each leg of the diffuser has 20 risers with a 0.305 meter (12-inch) diameter, which are alternately spaced at 2.84 meters (9.32 feet) and 6.92 meters (22.68 feet) intervals. On each leg, the ten risers closest to shore have two 0.076 meter (3-inch) diameter ports and the next nine risers have two 0.102 meter (4-inch) diameter ports. All the ports on those risers are oriented horizontally to the bottom and perpendicular to the diffuser pipe on each leg. The last riser terminates in a 90-degree elbow, oriented seaward (parallel to the diffuser pipe, at a 90-degree angle to the others ports) and is closed with a blind flange.

Nineteen (19) ports on each leg shall be opened for a total of thirty-eight (38) ports. On each leg of the “Y” shaped diffuser, the 4-inch ports on the seaward risers are to be open the blind flange on the terminal riser replaced with a 5-inch port.

Under PRWQSR, mixing zones are authorized for specific parameters and do not apply to the entire effluent discharged. Therefore, as indicated in its CWA 401 certification, DNER has authorized a mixing zone for the following parameters for the next permit term:

- Non-conventional pollutants (Dissolved Oxygen, Sulfide, Surfactants and Turbidity);
- Metals (Copper, Lead, Mercury, Silver and Zinc); and
- Acute and chronic toxicity.

As part of authorizing a mixing zone, DNER requires that PRASA conduct annual receiving water monitoring to ensure that water quality standards are met at the edge of the mixing zone. Consistent with DNER's CWA 401 certification on this permit action.

### E. Compliance Orders/Consent Decrees

The Permittee has a Consent Decree with the Agency (civil action no 06-16-24 (sec)) in which the facility is included. This consent decree does not affect this permit action.

### F. Summary of Basis for Effluent Limitations and Permit Conditions - General

The effluent limitations and permit conditions in the permit have been developed to ensure compliance with the following, as applicable:

- Clean Water Act section 401 certification requirements;
- NPDES regulations (40 CFR Part 122);
- Modifying Secondary Treatment Requirements Under Section 301(h) of the CWA (40 CFR 125, Subpart G);
- PRWQSR (April, 2019);
- Biosolids (Sewage Sludge) requirements (40 CFR Parts 257, 258 and 503); and
- Pretreatment requirements (40 CFR Part 403).

## PART II. RATIONALE FOR EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

CWA section 301(b) and 40 CFR 122.44(d) require that permits include limitations more stringent than applicable technology-based requirements where necessary to achieve applicable water quality standards. In addition, 40 CFR 122.44(d)(1)(i) requires that permits include effluent limitations for all pollutants that are or may be discharged at levels that cause, have the reasonable potential to cause, or contribute to an exceedance of a water quality criterion, including a narrative criterion. The process for determining reasonable potential and calculating water quality-based effluent limits (WQBELs) is intended to protect the designated uses of the receiving water, and achieve applicable water quality criteria. Where reasonable potential has been established for a pollutant, but there is no numeric criterion for the pollutant, WQBELs must be established using (1) EPA criteria guidance under CWA section 304(a), supplemented where necessary by other relevant information; (2) an indicator parameter for the pollutant of concern; or (3) a calculated numeric water quality criterion, such as a proposed state criterion or policy interpreting the state's narrative criterion, supplemented with other relevant information, as provided in 40 CFR 122.44(d)(1)(vi).

The effluent limitations and permit conditions in the permit have been developed to ensure compliance with all federal and state regulations, including PRWQSR. The basis for each limitation or condition is discussed below.

### A. Effluent Limitations

The permit establishes **both Technology-based Effluent Limitations (TBELs) and WQBELs** for several pollutants and the basis for these limitations are discussed below**.**

1. **Flow:** An effluent limitation for flow has been established in the permit for 8.33 MGD as a Daily Maximum. Monitoring conditions are applied pursuant to 40 CFR 122.21(j)(4)(ii) and DNER's WQC. The frequency monitoring for flow shall be continuous with a flow meter.
2. **5-Day Biochemical Oxygen Demand ($BOD_5$):** The effluent concentration and percent removal limitations are based on technology-based secondary treatment standards for publicly owned treatment works (POTWs) specified in 40 CFR 133.102(a). The permit also requires influent monitoring and

reporting in accordance with 40 CFR 122.44(i) to meet the requirement of the percent removal limitation (see section C.1.—Monitoring Requirements— of this Part).

3. **pH:** The effluent limitation for pH is based on technology-based secondary treatment standards for POTWs Class SC waters as specified for in Rule 1303.2.C.2.d of PRWQSR and the WQC. In no case the pH will lie outside of 7.3 to 8.5, standard pH units, except when it is altered by natural causes.
4. **Temperature:** The effluent limitation for temperature is based on the water quality criterion for all waters in Puerto Rico as specified in Rule 1303.1 D of PRWQSR and the WQC.
5. **Color:** The effluent limitation is based on the water quality criterion for **Class SC** waters as specified in Rule 1303.2.C.2.e of PRWQSR and the WQC.
6. **Copper, Cyanide Free, Lead, Mercury, Silver, Sulfide, TKN, and Zinc**: The effluent limitations are based on the water quality standards as specified in Rule 1303.1.I.1 of PRWQSR and the WQC.
7. **Dissolved Oxygen (DO):** The effluent limitation is based on the water quality criterion for **Class SC** waters as specified in Rule 1303.2.C.2.a of PRWQSR and the WQC.
8. **Enterococci**: The effluent limitation is based on the water quality criterion for **Class SC** waters as specified in Rule 1303.2 C.2.c of PRWQSR, and the WQC.
9. **Oil and Grease:** The effluent limitation is based on the water quality standards as specified in Rule 1303.1.H of PRWQSR and the WQC.
11. **Residual Chlorine (RC):** TRC has been identified as a contaminant of concern since the facility uses chlorination to disinfect the effluent to minimize the discharge of pathogens. PRWQSR do not have a numeric water quality criterion for TRC. Instead, Rule 1303.1.J.1 of PRWQS establishes a narrative water quality criterion that prohibits the discharge of toxic pollutants in toxic amounts. To protect aquatic life from the impact of TRC, the EPA has translated the narrative water quality criterion using EPA's CWA 304(a) National Recommended Water Quality Criteria for TRC and has conducted a reasonable potential analysis based on the chronic criterion of 7.5 ug/L and acute criterion of 19 µg/L for chlorine. The existing permit did not establish a water quality-based effluent limitation for TRC and instead established an effluent limitation of 500 ug/l (0.50 mg/l) based on the level of treatment needed to ensure that the fecal coliform water quality criteria would be met at the end-of-pipe.
12. **Solids and Other Matters**: The effluent limitation is based on the water quality standards as specified in Rule 1303.1.A of PRWQSR and the WQC.
13. **Surfactants**: The effluent limitation is based on the water quality criterion for **Class SC** waters as specified in Rule 1303.2.C.2.i of PRWQSR and the WQC.
14. **Suspended, Colloidal or Settleable Solids**: The effluent limitation is based on the water quality standards as specified in Rule 1303.1.E of PRWQSR and the WQC.
15. **Taste and Odor Producing Substances**: The effluent limitation is based on the water quality criterion for **Class SC** waters as specified in Rule 1303.2.C.2.g of PRWQSR and the WQC.
16. **Total Suspended Solids (TSS):** The effluent concentration and percent removal limitations are based on technology-based secondary treatment standards for POTWs specified in 40 CFR 133.102(b). The permit also requires influent monitoring and reporting in accordance with 40 CFR 122.44(i) to meet the requirement of the percent removal limitation (see section C.1.—Monitoring Requirements— of this Fact Sheet).
17. **Turbidity:** The effluent limitation is based on the water quality criterion for **Class SC** waters as specified in Rule 1303.2.C.2.f of PRWQSR and the WQC.
18. **Whole Effluent Toxicity (WET):** The permit establishes a requirement for the Permittee to conduct accelerated testing and develop a Toxicity Reduction Evaluation (TRE) Workplan as Special Conditions. These requirements are necessary to ensure that the Permittee has a process for addressing effluent toxicity if toxicity is observed.

## B. Effluent Limitations Summary Table

### 1. Outfall Number 001.

| Parameter | Units | Effluent limitations | | | | | |
|---|---|---|---|---|---|---|---|
| | | Averaging period | Highest Reported Value (1) | Existing limits | Interim limits | Final limits | Basis |
| $BOD_5$ | mg/L | Average monthly<br>Average weekly | 12<br>62 | 30<br>45 | n/a | 15.26<br>45 | TBEL |
| $BOD_5$ percent removal | % | Average monthly | 98 | 85 | n/a | 85 | TBEL |
| Color | Pt-CO | Maximum Daily | 35 | -- | n/a | Monitor | WQBEL |
| Copper | µg/L | Daily maximum | 54 | -- | n/a | 100.2 | WQBEL |
| Cyanide, Free | µg/L | Average monthly | 17.7 | -- | 9.62 | 1.00 | WQBEL |
| Dissolved Oxygen | mg/L | Daily Maximum | -- | ≥4.0 | n/a | Monitor | WQBEL |
| Enterococci | µg/L | -- | -- | -- | Monitor | 130 | WQBEL |
| Flow | MGD | Average monthly<br>Daily maximum | 6.0<br>8.3 | 8.33<br>10.5 | n/a<br>n/a | 8.33<br>10.5 | WQBEL |
| Lead | µg/L | Daily maximum | 3.55 | 102.0 | n/a | 18.0 | WQBEL |
| Mercury | µg/L | Daily maximum | -- | -- | n/a | 0.091 | WQBEL |
| Oil and grease | mg/l | Average monthly<br>Maximum Daily | --<br>-- | --<br>-- | n/a<br>n/a | Monitor | WQBEL |
| pH | SU | Daily maximum | 7.3-8.0 | 7.3-8.5 | n/a | 7.3 – 8.5 | WQBEL |
| Residual Chlorine | µg/L | Daily maximum | 12 | 500 | 352 | 7.5 | WQBEL |
| Silver | µg/L | Daily maximum | -- | 100.0 | n/a | 2.73 | WQBEL |
| Solids and Other Matter | -- | -- | -- | -- | n/a | Monitor | WQBEL |
| Sulfide | µg/L | Daily maximum | -- | 129 | n/a | 9.21 | WQBEL |
| Surfactants | µg/L | Daily maximum | 652 | 4,775 | n/a | 2,105 | WQBEL |
| Suspended, Colloidal or Settleable Solids | mL/L | Daily maximum | -- | -- | n/a | Monitor | WQBEL |
| Taste and Odor-producing Substances | -- | -- | -- | -- | n/a | Monitor | WQBEL |
| Temperature | Degrees Celsius | Instantaneous Maximum | -- | -- | -- | 32.2 | WQBEL |
| TKN | µg/L | Daily maximum | -- | -- | Monitor | 5,000 | WQBEL |
| TSS | mg/L | Average monthly<br>Average weekly | 18<br>34 | 30<br>45 | n/a | Monitor | TBEL |
| TSS percent removal | % | Average Monthly | 97 | 85 | n/a | 85 | TBEL |
| Turbidity | NTU | Daily maximum | 17 | 810 | n/a | 32.36 | WQBEL |
| Zinc | µg/L | Daily maximum | 123 | 50.0 | n/a | 144.1 | WQBEL |

**Notes, Footnotes and Abbreviations**

Note: Dashes (--) indicate there are no effluent data, no limitations, or no monitoring requirements for this parameter.
(1) Wastewater data from DMRs dated January 31, 2018 to December 31, 2019.

**2. Outfall 001 Narrative Limitations**

a. The waters of Puerto Rico must not contain any substance, attributable to the discharge at such concentration which, either alone or as result of synergistic effects with other substances, is toxic or produces undesirable physiological responses in humans, fish, or other fauna or flora.

b. The waters of Puerto Rico shall be substantially free from floating non-petroleum oils and greases as well as petroleum derived oil and greases.

c. The waters of Puerto Rico must not contain floating debris, scum, or other floating materials attributable to discharges in amounts sufficient to be unsightly or deleterious to the existing or designated uses of the water body.

d. Solids from wastewater sources must not cause deposition in or be deleterious to the existing or designated uses of the waters.

e. Taste and odor-producing substances shall not be present in amounts that will interfere with primary contact recreation, or will render any undesirable taste or odor to edible aquatic life.

f. Except by natural phenomena, no heat which would cause the temperature of any site to exceed 90°F or 32.2°C, may be added to the waters of Puerto Rico.

## C. Monitoring Requirements

NPDES regulations at 40 CFR 122.48 require that all permits specify requirements for recording and reporting monitoring results. The Part III of the Permit establishes monitoring and reporting requirements to implement federal and state requirements. The following provides the rationale for the monitoring and reporting requirements for this facility.

1. **Influent Monitoring Requirements**

   For POTWs: **To calculate percent removal values, influent monitoring is required for $BOD_5$ and TSS in accordance with 40 CFR 133.102. Influent monitoring must be conducted before any treatment, other than de-gritting, and before any addition of any internal waste stream.**

2. **Effluent Monitoring Requirements**

   Effluent monitoring frequency and sample type have been established in accordance with the requirements of 40 CFR 122.44(i) and recommendations in EPA's TSD. Consistent with 40 CFR Part 136 monitoring data for toxic metals must be expressed as total recoverable metal. Effluent monitoring and analyses shall be conducted in accordance with EPA test procedures approved under 40 CFR Part 136, Guidelines Establishing Test Procedures for the Analysis of Pollutants Under the Clean Water Act, as amended. For situations where there may be interference, refer to Solutions to Analytical Chemistry Problems with Clean Water Act Methods (EPA 821-R-07-002).A licensed chemist authorized to practice the profession in Puerto Rico shall certify all chemical analyses. All bacteriological tests shall be certified by a microbiologist or licensed medical technologist authorized to practice the profession in Puerto Rico.

   The sampling point for Outfall 001 shall be located immediately after the primary flow measuring device of the effluent of the treatment system.

## D. Compliance with Federal Anti-Backsliding Requirements and Puerto Rico's Anti-Degradation Policy

Federal regulations at 40 CFR 131.12 require that state water quality standards include an anti-degradation policy consistent with the federal policy. The discharge is consistent with the anti-degradation provision of 40 CFR 131.12, 72 Federal Register 238 (December 12, 2007, pages 70517-70526) and DNER's *Anti-Degradation Policy Implementation Procedure* in Attachment A of PRWQS. In addition, CWA sections 402(o)(2) and 303(d)(4) and federal regulations at 40 CFR 122.44(l) prohibit backsliding in NPDES permits. Further, the Region 2 Antibacksliding Policy provides guidance regarding relaxation of effluent limitations based on water quality for Puerto Rico NPDES permits. These anti-backsliding provisions require effluent limitations in a reissued permit to be as stringent as those in the previous permit with some exceptions where limitations may be relaxed.

- Existing effluent limitations for **Barium, Boron, Cadmium, Chromium Total, Fecal Coliforms, Fluoride, Manganese, Nickel, Nitrogen, Phenolic Substances, Selenium, Sulfates and Total**

**Coliforms** have been ***removed*** based on CWA section 402(o)(2)(B)(i). CWA section 402(o)(2)(B)(i) authorizes the backsliding of effluent limitations if information is available which was not available at the time of permit issuance that would have justified the application of a less stringent effluent limitation at the time of permit issuance. Based on review of effluent data since issuance of the existing permit, the modified discharge does not show a reasonable potential for the exceedance of water quality criteria for these parameters.

- The water quality-based effluent limitations from the previous permit for **$BOD_5$, Residual Chlorine, Lead, Silver, Sulfide, Surfactants and Turbidity** have been replaced with a ***more*** stringent water quality-based limitation in the WQC issued by the DNER. Pursuant to Section 401 (d) of the Act and 40 C.F.R. 122.44 (d) and 124.55, all State certified limitations and requirements contained in a Section 401 certification must be incorporated into a NPDES permit issued by EPA. The water quality-based effluent limitations referenced in this paragraph have been included in the draft NPDES permit, based on DNER's WQC.

- The effluent limitations in the permit are at least as stringent as the effluent limitations in the existing permit, with the exception of effluent limitations for **Dissolved Oxygen, Oil and Grease, pH, TSS, and Zinc.** The effluent limitations for this pollutant are ***less*** stringent that those in the existing permit. This relaxation of effluent limitations is consistent with the anti-backsliding requirements of CWA section 401(o), 40 CFR 122.44(l), EPA Region 2's Anti-backsliding Policy dated August 10, 1993, and Puerto Rico's Anti-Degradation Policy Implementation Procedure established in PRWQS. CWA Sec. 402(o)(2)(B)(i) allows backsliding if information is available which was not available at the time of permit issuance and would have justified a less stringent effluent limitation at the time of permit issuance. EPA has determined that it is appropriate to relax the effluent limitation for these parameters without violating anti-backsliding provisions of the CWA, in accordance with section 402(o)(2), since one of the exceptions to the provisions has been satisfied; and section 402(o)(3) since it complies with DNER's WQS which include antidegradation requirements. The DNER's WQC constitutes a determination that the limit is sufficient to assure that the water quality standards are or will be attained.

- The proposed NPDES permit contains water quality-based effluent limitations for **Copper, Cyanide Free, Enterococci, Mercury and TKN** which were ***not included*** in the previous NPDES permit. Pursuant to Section 401 (d) of the Act and 40 C.F.R. 122.44 (d) and 124.55, all State certified limitations and requirements contained in a Section 401 certification must be incorporated into a NPDES permit issued by EPA. The water quality-based limitations referenced in this paragraph have been included in the draft NPDES permit, based on DNER's WQC.

## PART III. RATIONALE FOR STANDARD AND SPECIAL CONDITIONS

### A. Standard Conditions

In accordance with 40 CFR 122.41, standard conditions that apply to all NPDES permits have been incorporated by reference in Part IV.A.1 of the permit and expressly in Attachment B of the permit. The Permittee must comply with all standard conditions and with those additional conditions that are applicable to specified categories of permits under 40 CFR 122.42 and specified in Part IV.A.2 of the Permit.

### B. Special Conditions

In accordance with 40 CFR 122.42 and other regulations cited below, special conditions have been incorporated into the permit. This section addresses the justification for special studies, additional monitoring requirements, Best Management Practices, Compliance Schedules, and/or special provisions for POTWs as needed. The special conditions for this facility are as follows:

1. **Special Conditions from the Water Quality Certificate**

   In accordance with 40 CFR 124.55, EPA has established Special Conditions from the WQC in the permit that DNER determined were necessary to meet PRWQS. The Special Conditions established in this section are only those conditions from the WQC that have not been established in other parts of the permit.

2. **Best Management Practices (BMP) Plan**

   In accordance with 40 CFR 122.2 and 122.44(k), BMPs are schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution to waters of the United States. The Permittee is required to develop a BMP Plan in Part IV.B.3.a of the permit to control or abate the discharge of pollutants.

3. **Compliance Schedules**

   The Permittee's effluent data indicate that the facility might not be able to consistently comply with the final effluent limitation for Enterococci and Residual Chlorine; therefore, a schedule of compliance has been authorized in the permit in accordance with 40 CFR 122.47 and Special Condition 22 of the WQC, which includes interim deadlines for progress or reports of progress toward compliance with the conditions of the permit. The compliance schedule for Enterococci and Residual Chlorine are established at for 36 months after the effective date of the permit to allow the Permittee sufficient time to achieve compliance with the newly established effluent limitation. This schedule is provided in consideration of the time it would require for the Permittee to undertake steps needed to modify or install treatment facilities, operations, or other required measures.

4. **Other Special Conditions**

   **Pre-treatment:** Pursuant to the authority under Section 307 of the Act, 33 U.S.C. § 1317, EPA promulgated 40 C.F.R. Part 403 - General Pretreatment Regulations for Existing and New Sources of Pollution ("Pretreatment Regulations"). This Part establishes responsibilities of federal, state and local government, industry and the public to implement National Pretreatment Standards to control pollutants which pass through or interfere with treatment processes in publicly owned treatment works or which may contaminate sewage sludge. It requires that the POTW develop and implement procedures to identify industrial users who contribute pollutants to the POTW and monitor their compliance with pretreatment standards.

   **Biosolids:** Pursuant to the authority under Section 309 of the Act, 33 U.S.C. §1345, EPA promulgated 40 C.F.R. Part 503 – Standards for the Use or Dispose of Sewage Sludge. This part establishes standards, which consist of general requirements, pollutant limits, management practices, and operational standards, for the final use or disposal of sewage sludge generated during the treatment of domestic sewage in treatment works. This part include standards for sewage sludge applied to the land, placed on a surface disposal site, or fired in a sewage sludge incinerator. It requires pathogen and alternative vector attraction reduction requirements for sewage sludge applied to the land or placed on a surface disposal site.

   **Ocean Discharge Monitoring Program:** Since insufficient information is available to conclude that the ecological health of marine waters will be protected with the discharge, EPA requires a monitoring program to: "Assess the impact of the discharge on water, sediment and biological quality including, where appropriate, analysis of the bioaccumulation and/or persistent impact on aquatic life of the discharge" CFR part 125.123(d)(2).

## PART IV. COMPLIANCE WITH APPLICABLE PROVISIONS OF OTHER FEDERAL LAWS OR EXECUTIVE ORDERS

### A. Coastal Zone Management Act

Under 40 CFR 122.49(d), and in accordance with the Coastal Zone Management Act of 1972, as amended, 16 *United States Code* (U.S.C.) 1451 *et seq*. section 307(c) of the act and its implementing regulations (15 CFR Part 930), EPA may not issue an NPDES permit that affects land or water use in the coastal zone until the Permittee certifies that the proposed activity complies with the Coastal Zone Management Program in Puerto Rico (CZMP), and that the discharge is certified by the Commonwealth of Puerto Rico to be consistent with the Commonwealth's CZMP. The Permittee has indicated the outfall is in a coastal area managed by the Commonwealth's CZMP which has been consistent with the program. The Puerto Rico Planning Board granted a Certificate of Consistency with the CZMP on February 11, 2015.

### B. Endangered Species Act

Under 40 CFR 122.49(c), EPA is required pursuant to section 7 of the Endangered Species Act (ESA), 16 U.S.C. 1531 *et seq*. and its implementing regulations (50 CFR Part 402) to ensure, in consultation with the National Marine Fisheries Service (NMFS) and U.S. Fish and Wildlife Service (USFWS) that the discharge authorized by the permit is not likely to jeopardize the continued existence of any endangered or threatened species or adversely affect its critical habitat**.** On April 16, 2009, EPA designated PRASA (a non-Federal representative) to conduct informal consultations or prepare a biological assessment for Section 7 Consultations, according to 50 CFR 402.8. We are proposing this permit because in the past, no federally listed endangered or threatened species, or critical habitat, are in the vicinity of the discharge. On July 16, 2020, NMFS requested additional information to PRASA to make a determination.

### C. Environmental Justice

EPA has performed an Environmental Justice (EJ) Analysis for the discharge in accordance with Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Population and Low-Income Populations*, and EPA's Plan EJ 2014. EJ is the right to a safe, healthy, productive and sustainable environment for all, where "environment" is considered in its totality to include the ecological, physical, social, political, aesthetic and economic environments. In the NPDES permitting program, the public participation process provides opportunities to address EJ concerns by providing appropriate avenues for public participation, seeking out and facilitating involvement of those potentially affected, and including public notices in more than one language where appropriate. The facility is in an area characterized as a Community of Concern (COC) and therefore is subject to the EJ requirements. In the EJ Analysis, EPA determined that there is no potential for a disproportionate and/or adverse environmental burden in the COC since the conditions are similar through the Island. Nevertheless, EPA is committed to taking all necessary actions to minimize any possible and/or potential adverse effects on COC from the **Barceloneta RWWTP.**

### D. Coral Reef Protection

Under Executive Order 13089, *Coral Reef Protection*, EPA is required to ensure that discharge authorized under the permit will not degrade any coral reef ecosystem. Corals or coral ecosystems are in the vicinity of the discharge. In a letter dated August 13, 2013 from National Marine Fisheries Services (NMFS) concluded that the project is not likely to adversely affect corals in critical habitat. Also, coral species proposed for listing in PR are not presence in the area of the outfall discharge. Therefore, the continued operation of the outfalls will have no effect in the species.

### E. Climate Change

EPA has considered climate change when developing the conditions of the permit. This is in accordance with the draft *National Water Program 2012 Strategy: Response to Climate Change* that identifies ways to address climate change impacts by NPDES permitting authorities (77 Federal Register 63, April 2, 2012, 19661-19662). Climate change is expected to affect surface waters in several ways, affecting both human health and ecological endpoints. As outlined in the draft National Water Program 2012 Strategy, EPA is committed to protecting surface water, drinking water, and ground water quality, and diminishing the risks of climate change to human health and the environment, through a variety of adaptation and mitigation strategies. These strategies include encouraging communities and NPDES permitting authorities to incorporate climate change strategies into their water quality planning, encouraging green infrastructure and recommending that water quality authorities consider climate change impacts when developing water load and load allocations for new TMDLs, identifying and protecting designated uses at risk from climate change impacts. The 2010 *NPDES Permit Writers' Manual* also identifies climate change considerations for establishing low-flow conditions that account for possible climatic changes to stream flow. The conditions established in the permit are consistent with the draft National Water Program 2012 Strategy.

### F. National Historic Preservation Act – Not applicable since this is a renovation.

### G. Magnuson-Stevens Fishery Conservation and Management

Under 40 CFR 122.49, EPA is required to ensure that the discharge authorized by the permit will not adversely affect Essential Fish Habitat (EFH) as specified in section 305(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA), 16 U.S.C. 1801 *et seq*. On April 16, 2009, EPA designated PRASA (a non-Federal representative) to conduct informal consultations or prepare a biological assessment for Section 7 Consultations, according to 50 CFR 402.8. On July 16, 2020, NMFS requested additional information to PRASA in relation to the NMFS responsibilities under Section 7, to make a determination that the outfall is and will be insignificant in the area of the discharge.

## PART V. PUBLIC PARTICIPATION

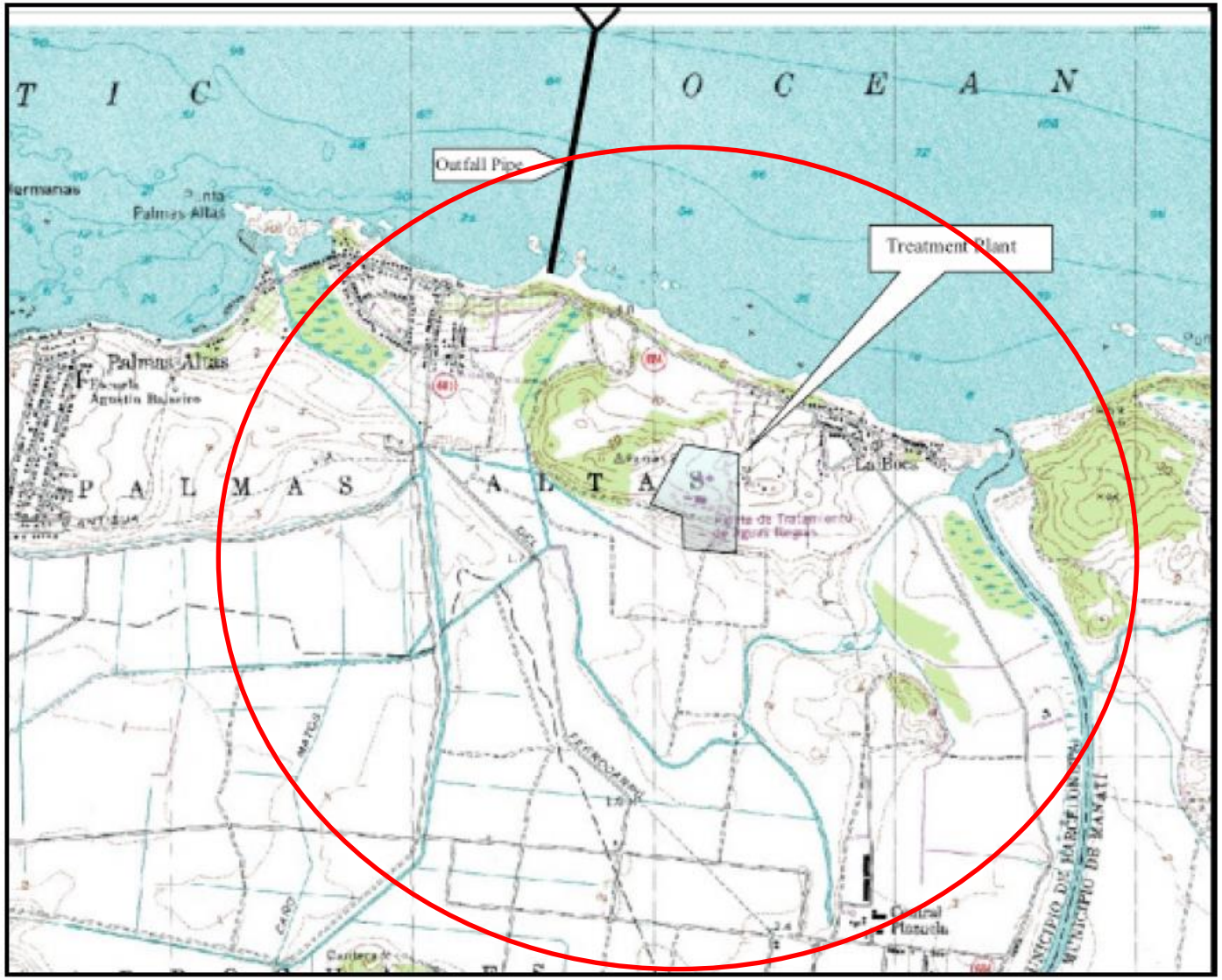
The procedures for reaching a final decision on the draft permit are set forth in 40 CFR Part 124 and are described in the public notice for the draft permit, which is published in **El Vocero**. Included in the public notice are requirements for the submission of comments by a specified date, procedures for requesting a hearing and the nature of the hearing, and other procedures for participation in the final agency decision. EPA will consider and respond in writing to all significant comments received during the public comment period in reaching a final decision on the draft permit. Requests for information or questions regarding the draft permit should be directed to

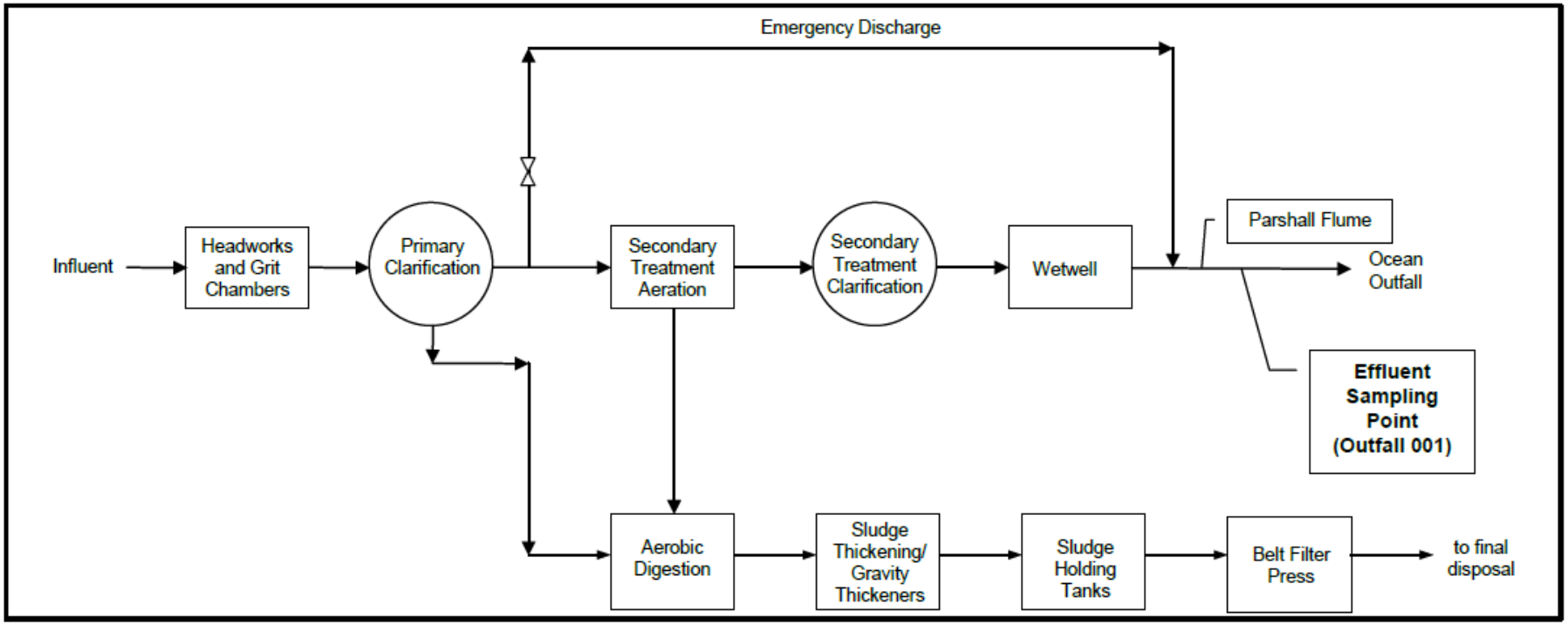
Lalitssa López-Burgos
EPA Region 2, Caribbean Environmental Protection Division
Permit Writer Phone: 787-977-5857
Permit Writer Email: lopez.lalitssa@epa.gov

A copy of the draft permit is also available on EPA's website at https://www.epa.gov/npdes-permits/puerto-rico-npdes-permits .

## ATTACHMENT A — FACILITY MAP AND FLOW SCHEMATIC

The facility map and flow schematic are attached as provided by the discharger in the application.




Emergency Discharge
Influent
Headworks and Grit Chambers
Primary Clarification
Secondary Treatment Aeration
Secondary Treatment Clarification
Wetwell
Parshall Flume
Ocean Outfall
Effluent Sampling Point (Outfall 001)
Aerobic Digestion
Sludge Thickening/ Gravity Thickeners
Sludge Holding Tanks
Belt Filter Press
to final disposal